

AMENDMENTS TO THE DRAWINGS

The attached sheet(s) of drawings include a new sheet of drawings with added Fig. 2A, Fig. 7, and Fig. 8, in response to the objection under 37 C.F.R. § 1.83(a).

Attachment: New sheet 5 of 5

REMARKS

The Office Action mailed October 17, 2007 (hereinafter, "Office Action"), has been reviewed and the Examiner's comments considered. Claims 25-59 are pending in this application. Claims 25 and 44 are amended herein to clarify Applicant's position pursuant to the Examiner's suggestion in the Response to Arguments; however, it is noted that the amendments to claims 25 and 44 are unrelated to patentability as will be evident from the remarks below. Support for the amendment is in the original application at p. 23, second paragraph. A new sheet of drawings is attached with new Fig. 2A, Fig. 7, and Fig. 8. The specification has been amended to reflect the new figures. Applicant submits that no new matter or issues have been introduced.

Drawings

The drawings stand objected to under 37 C.F.R.. 1.83(a) as not showing every feature of the invention specified in the claims. In particular, the Office Action alleges that the meanders and "S" shape of the bridges, the frusto-conical shape of the male-female form-fitting portions, and the bridges having a longitudinal axis that is not parallel to the longitudinal axis of the structure are not shown in the drawings. Although Applicant notes that at least the frusto-conical shape is shown in original Fig. 2, attached hereto is a new sheet of drawings showing each of the features identified by the Office Action, including Fig. 2A showing an enlarged view of the form-fitting portions, Fig. 7 showing a bridge with the shape of an "S" with a longitudinal axis that is not parallel to the longitudinal axis of the structure, and Fig. 8 showing a bridge with the shape of a meander. Accordingly, Applicants respectfully requests favorable reconsideration and withdrawal of the objection under 37 C.F.R.. 1.83(a).

Claim Objections

Claims 25-59 stand objected to because of the informality that the recitation "at least one bridge exhibits reduced electrical conductivity throughout" does not state what the reduced conductivity is compared with. In response, Applicant has amended claims 25 and 44 as discussed below and therefore respectfully requests withdrawal of the objection.

Claim Rejections - 35 U.S.C. § 102

Claims 25-30, 32-34, 36, 37, 41, 43, 44, 48 and 53 stand rejected under 35 USC § 102(b) as being anticipated by USPN 6,123,722 by Fogarty et al. (hereinafter, “Fogarty”) as evidenced by USPN 5,741,327 by Frantzen (hereinafter, “Frantzen”). Applicant respectfully traverses this rejection.

Independent claims 25 and 44 as amended recite a plurality of expansible rings, each of the rings defining at least one bridge strut and having a first electrical conductivity, adjacent rings linked by at least one bridge formed by cooperation between adjacent bridge struts on adjacent rings, each bridge including a portion having a second electrical conductivity at least an order of magnitude lower than the first electrical conductivity.

The Office Action admits that “Fogarty does not disclose a conductivity-reducing layer on an abutment surface of at least one of the complementary mating portions.” However, the Office Action asserts that Frantzen teaches “that an oxide layer forms on a nickel titanium stent when the stent is formed” and that “[t]herefore, the Fogarty’s [sic] stent includes the conductivity-reducing layer claimed.” Applicant respectfully submits that, at most, Frantzen discloses that oxide layers are formed on the surface of a stent as a result of stent formation. Frantzen does not disclose a difference in thickness of oxide layers and thus does not distinguish the electrical conductivity of one portion of the stent with another.¹ Therefore, Frantzen does not provide evidence for a bridge portion having a second electrical conductivity at least an order of magnitude lower than a first electrical conductivity of an expansible ring, as claimed. Accordingly, Applicant respectfully submits that independent claims 25 and 44, and the rejected claims depending therefrom, are patentable over Fogarty as evidenced by Frantzen and requests favorable reconsideration and withdrawal of the rejection under 35 U.S.C. § 102.

¹ As such, the previous “reduced” claim language is not evidenced by Frantzen as alleged in the Office Action.

Claim Rejections - 35 U.S.C. § 103

Claims 31, 38-40 and 42 stand rejected under 35 USC § 103(a) as being unpatentable over Fogarty in view of Frantzen. Claims 35 and 49 stand rejected under 35 USC § 103(a) as being unpatentable over Fogarty in view of WO 99/43378 to Leonhardt. Claims 45-47 and 50-52 stand rejected under 35 USC § 103(a) as being unpatentable over Fogarty. Claims 54 and 59 stand rejected under 35 USC § 103(a) as being unpatentable over Fogarty in view of USPN 6,270,524 to Kim (hereinafter, "Kim"). Claims 55-58 stand rejected under 35 USC § 103(a) as being unpatentable over Fogarty in view of Kim and further in view of USPN 6,712,844 to Pacetti. Applicant respectfully traverses these rejections.

Without conceding the propriety of the asserted combinations, Applicant submits that each of the claims rejected under 35 U.S.C. § 103 depends from one of patentable independent claim 25 or 44, as discussed above, and is therefore patentable. Accordingly, Applicant requests favorable reconsideration and withdrawal of the rejections under 35 U.S.C. § 103.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 480052000600. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: December 14, 2007

Respectfully submitted,

Electronic signature: /Todd W. Wight/

Todd W. Wight

Registration No.: 45,218

MORRISON & FOERSTER LLP

19900 MacArthur Boulevard

Irvine, California 92612-2445

(949) 251-7189

Attachment